



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

AUG 2 2010

Donald W. Birch, Sr. Vice President  
as authorized signatory for CitySquare II Development Co. LLC  
Leggat McCall Properties  
10 Post Office Square  
Boston, Massachusetts 02109

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c);  
and § 761.79(h)  
Former Worcester Common Outlet Mall, Worcester, MA

Dear Mr. Birch:

This is in response to the CitySquare II Development Company, LLC (CitySquare) Notification<sup>1</sup> for approval of a proposed PCB cleanup at the former Worcester Common Outlet Mall located in Worcester, Massachusetts (the Site). The Site contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. Specifically, PCBs have been found in paint (parking line stripes) and in the associated concrete floor located in the parking garage at the Site.

CitySquare has requested an approval under 40 CFR Part 761 to clean up and dispose of the PCB paint and PCB-contaminated *porous surfaces* (i.e. concrete floor). Specifically, CitySquare is proposing:

- to remove all PCB paint (parking line stripes) and associated *porous surfaces* (i.e. concrete floor) and dispose of these wastes as a greater than or equal to ( $\geq$ ) 50 parts per million (ppm) PCB waste in a RCRA hazardous waste landfill or a TSCA-approved disposal facility; and,
- to conduct verification sampling of the concrete floor following removal of the paint to document that the PCB cleanup standard of less than or equal to ( $\leq$ ) 1 ppm has been met, which is consistent with the cleanup and disposal requirements for unrestricted use under § 761.61(a).

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<sup>1</sup> The notification was prepared by URS on behalf of CitySquare to satisfy the requirements under 40 CFR §§ 761.61(a) and (c) and § 761.79(h). Information was submitted dated July 15, 2010 (PCB Management Plan) and July 27, 2010 (e-mail response to EPA comments) shall be referred to as the "Notification".

In the Notification CitySquare has indicated that PCB-contaminated concrete with less than or equal to ( $\leq$ ) 1 ppm is proposed for re-use as on-site fill. CitySquare has submitted a request for a Beneficial Use Determination (BUD) permit from the Massachusetts Department of Environmental Protection (MassDEP).

In its Notification CitySquare has determined that the PCB paint at less than ( $<$ ) 50 ppm, which is located on the columns, is not a *PCB bulk product waste* and meets the criteria of an *Excluded PCB Product* as defined at 40 CFR § 761.3. As such, removal of this paint is not required under 40 CFR Part 761 and is not addressed in this Approval. CitySquare is proposing to collect additional samples of column paint to support this determination. Should CitySquare determine that the paint containing  $<$  50 ppm PCBs does not meet the *Excluded PCB Product* criteria, CitySquare shall be required to submit a plan to address the paint and any associated PCB-contaminated *porous* and/or *non-porous surfaces*.

With the exception of the proposed verification sampling frequency for *porous surfaces* (i.e. concrete) the Notification meets the requirements and standards established under §§ 761.61(a), 761.62, and 761.79 for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*.

With respect to the verification sampling frequency, based on the results of the PCB sampling to-date and the proposed cleanup and disposal approach, it appears that the proposed plan will be adequate to remove all PCB contamination with greater than ( $>$ ) 1 ppm. As such, EPA has determined that it is reasonable to allow an alternative to the Subpart O verification sampling frequency requirement under § 761.61(a)(6). However, EPA is requiring a higher initial sampling frequency than proposed in the Notification to support the alternative sampling approach (see Attachment 1, Condition 13). EPA finds that the activities proposed by CitySquare in conjunction with the additional initial sampling requirements, will not create an unreasonable risk to public health or the environment. Thus, EPA may approve the alternative sampling under § 761.61(c).

CitySquare may proceed with its cleanup in accordance with 40 CFR §§ 761.61(a) and (c); § 761.62; § 761.79(h); its Notification; and this Approval, subject to the conditions of Attachment 1.

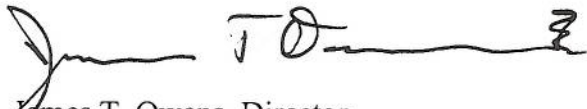
Please note Attachment 1, Condition 13 which requires notification to EPA in the event **any** verification sample exceeds the PCB cleanup standard of 1 ppm for *porous surfaces*. In accordance with this condition, EPA is retaining its rights to re-evaluate its determination on the alternative sampling based on the results of the verification sampling.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,



James T. Owens, Director  
Office of Site Remediation & Restoration

cc M. Wade, URS  
MassDEP Central Region  
File

Attachment 1  
Attachment 2



**ATTACHMENT 1.**

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS  
FORMER WORCESTER COMMON OUTLET MALL PARKING GARAGE  
WORCESTER, MASSACHUSETTS**

**GENERAL CONDITIONS**

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* identified in the Notification.
2. CitySquare II Development Company, LLC (CitySquare) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. CitySquare must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, CitySquare shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. CitySquare is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time CitySquare has or receives information indicating that CitySquare or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by CitySquare are authorized to conduct the activities set forth in the Notification. CitySquare is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release CitySquare from compliance with any applicable requirements of federal, state or local law; or 3) release CitySquare from liability for, or otherwise resolve, any violations of federal, state or local law.

#### **NOTIFICATION AND CERTIFICATION CONDITIONS**

9. This Approval may be revoked if the EPA does not receive written notification from CitySquare of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. CitySquare shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 1 business day prior to conducting any work under this Approval.
11. CitySquare shall submit the following information for EPA review and/or approval:
  - a. A certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
  - b. A contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
  - c. A certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

#### **CLEANUP AND DISPOSAL CONDITIONS**

12. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.



13. PCB-contaminated materials shall be decontaminated and verification sampling and analysis shall be conducted as described below:
  - a. All visible residues of PCB paint shall be removed and disposed of as described in the Notification.
  - b. The decontamination standard for building *porous surfaces* (i.e. concrete floor) shall be less than or equal to ( $\leq$ ) 1 part per million (ppm).
    - i) All post-decontamination verification sampling of *porous surfaces* shall be performed on a bulk basis (i.e. mg/Kg). Samples shall be collected according to EPA's draft Standard Operating Procedure For Sampling Concrete in the Field, dated 12/30/97 to a maximum depth of 0.5 inches and in accordance with the sampling frequency described below:
      - (1) Section A (see Attachment 2). The initial verification sampling frequency shall be a minimum of 1 sample per every 25 linear feet for the first 300 feet of decontaminated *porous surfaces*. In the event that **all** verification sample results are  $\leq 1$  ppm, the sampling frequency may be reduced to 1 sample per every 250 linear feet for the remainder of Section A.
      - (2) Section B (see Attachment 2). The initial verification sampling frequency shall be a minimum of 1 sample per every 25 linear feet for the first 500 feet of decontaminated *porous surfaces*. In the event that **all** verification sample results are  $\leq 1$  ppm, the sampling frequency may be reduced to 1 sample per every 250 linear feet for the remainder of Section B.
      - (3) Section C1 (see Attachment 2). The initial verification sampling frequency shall be a minimum of 1 sample per every 25 linear feet for the first 450 feet of decontaminated *porous surfaces*. In the event that **all** verification sample results are  $\leq 1$  ppm, the sampling frequency may be reduced to 1 sample per every 250 linear feet for the remainder of Section C1.
      - (4) Section C2 (see Attachment 2). The initial verification sampling frequency shall be a minimum of 1 sample per every 25 linear feet for the first 450 feet of decontaminated *porous surfaces*. In the event that **all** verification sample results are  $\leq 1$  ppm, the sampling frequency may be reduced to 1 sample per every 250 linear feet for the remainder of Section C2.

- ii) In the event **any** verification sample is greater than (>) 1 ppm, CitySquare shall contact EPA to determine what modifications, if any, need to be made to the sampling frequency or to the abatement plan for the remainder of the project.
  - iii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 and chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q.
  - iv) For decontaminated *porous surfaces* that have PCB concentrations exceeding the decontamination standard, CitySquare may conduct additional decontamination to achieve the required decontamination standard or must store and dispose of these materials as TSCA-regulated waste in accordance with 40 CFR Part 761.
14. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
- a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
  - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
  - c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

#### **INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

15. CitySquare shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by CitySquare to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.



16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

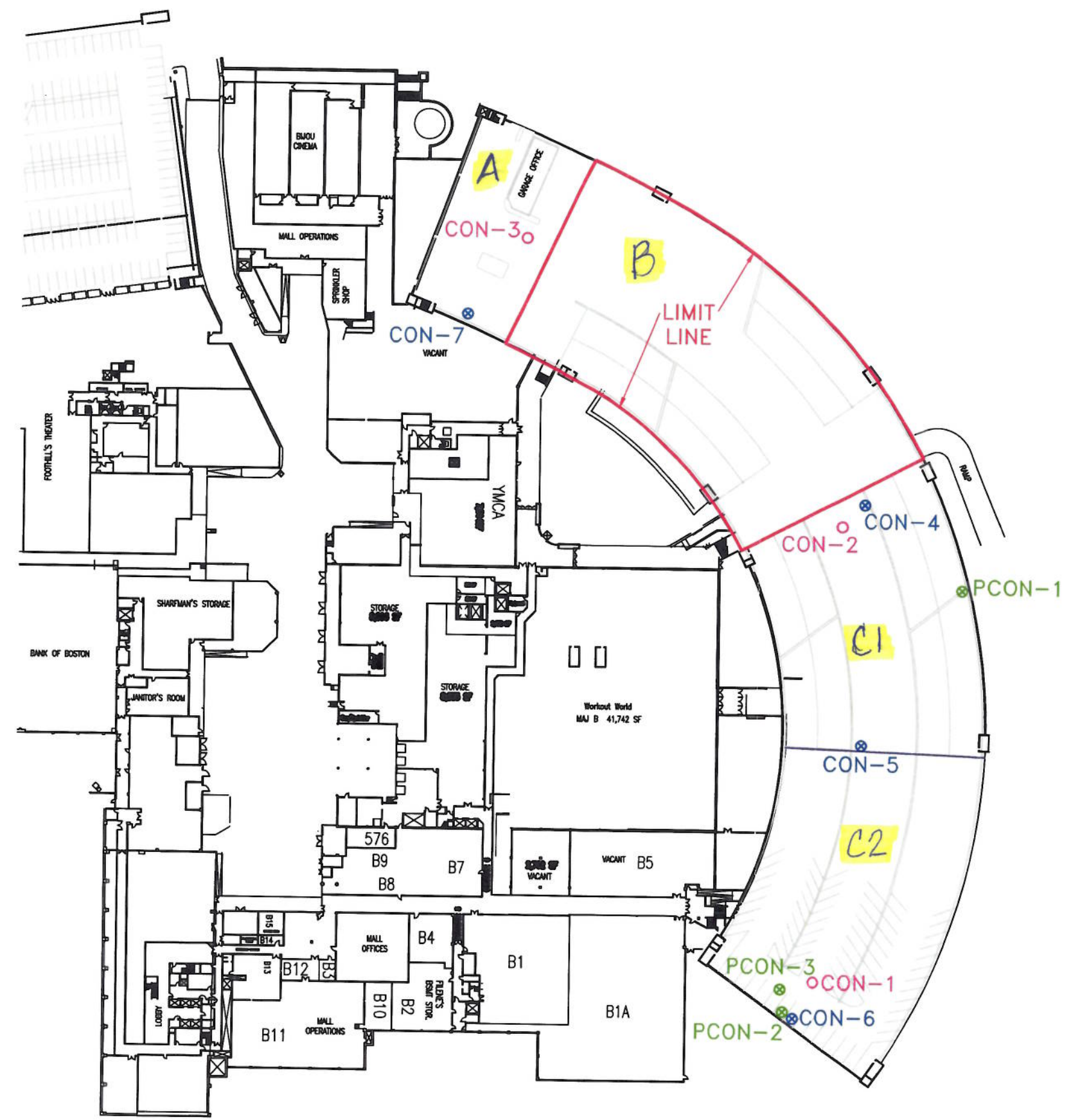
### **RECORDKEEPING AND REPORTING CONDITIONS**

18. CitySquare shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by CitySquare in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
19. CitySquare shall submit a final report to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the PCB cleanup area(s); copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.
20. Required submittals shall be mailed to:  
  
Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100 – (OSRR07-2)  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527
21. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

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**END OF ATTACHMENT 1**





CONCRETE CORE LOCATIONS  
SEPTEMBER 8, 2009

CON-#○ CONCRETE CORE LOCATION

ADDITIONAL PCB  
SAMPLING LOCATIONS  
OCTOBER 28, 2009

CON-#● PCB CONCRETE CORE LOCATION

PCON-#● COMBINED CONCRETE AND  
PAINT SAMPLE LOCATION

CITY SQUARE DEVELOPMENT CO., LLC

CITY SQUARE  
FRONT STREET  
WORCESTER MASSACHUSETTS

FIGURE 3  
SAMPLE LOCATIONS



8 Industrial Way  
Salem, New Hampshire 03079  
TEL: (603) 893-0610  
FAX: (603) 893-0240  
http://www.urscorp.com

DRAWN BY: HMB	PROJECT NO.: 39743277	SHEET NO.:
CHECKED BY: BJG	SCALE: NTS	
APPROVED BY: MHW	DATE: 7/10	1 OF 1